

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-34 are pending in this application. No claims are added, amended or cancelled. Claims 1 and 15 are the independent claims.

Rejections under 35 U.S.C. § 103

Sun

Claims 1-4, 7-9, 15-18, 25-26 and 28-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sun et. al. Applicants respectfully traverse this rejection for the reasons detailed below.

In response, Applicants submitted a properly executed declaration under 37 C.F.R. 1.132 on November 14, 2007 (before the outstanding Office Action was mailed) that establishes facts showing Applicants, who are joint inventors of the subject matter of claims 1-34, are co-authors of the Sun et al. reference, that the Sun et al. reference describes Applicants' own work, that the Sun et al. reference was published no earlier than December 4, 2002, and that the remaining co-authors of the Sun et al. reference are not inventors but were merely working under the direction of Applicants.

The Applicants note that a reference applied under 35 U.S.C. § 103 must also qualify as "prior art" under at least one section of 35 U.S.C. § 102. The Applicants note that Sun purports to have a publication date of June 10, 2003. The Applicants further note that the present application was filed in the USPTO on December 4, 2003, and claimed priority under 35 U.S.C. § 119 from a counterpart Korean application, specifically Korean Pat. Appl. No. 10-2003-0042838, filed June 27, 2003, and that a certified copy of the priority document was subsequently filed in the USPTO.

Accordingly, due to the Rule 1.132 Declaration and the filing date of the present application, Sun fails to qualify as “prior art” under any section of 35 U.S.C. § 102 and cannot, therefore, support a valid § 103 rejection of the pending claims. **Applicants note that a properly executed declaration was filed on November 14, 2007, by supplemental response, and therefore, must be considered by the Examiner. A copy of the signed declaration and postcard dated November 14, 2007 are resubmitted for the Examiner’s convenience.** Therefore, Applicants respectfully request that the Examiner withdraw the final rejection of claims 1-34 35 U.S.C. § 103(a) in view of Sun, and pass pending claims 1-34 to allowance.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Erin G. Hoffman, Reg. No. 57,752, at the telephone number of the undersigned below.

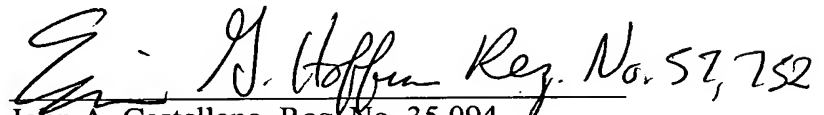
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By

for


John A. Castellano, Reg. No. 35,094
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Reston, Virginia 20195
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JAC/EGH:tlt

Enclosures: Copy of Postcard
Copy of Executed Declaration



PATENT
Atty Docket No. 2421-000030/US

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Ja-Hum KU et al.

Appl. No.: 10/726,638

Group: 2812

Filed: December 4, 2003

Examiner: Booth, Richard

For: NICKEL ALLOY SALICIDE TRANSISTOR STRUCTURE AND
METHOD FOR MANUFACTURING THE SAME

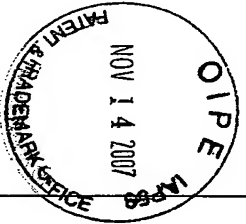
October 25, 2007

DECLARATION UNDER 37 CFR 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA

We, Ja-Hum Ku, Kwan Jong Roh, Min Chul Sun, and Min Joo Kim, hereby
declare and state the following:

1. That we verily believe that we are the original, joint inventors of
the invention of the above noted application;
2. That we are the authors of the article entitled "Thermally Robust
Ta-Doped Ni SALICIDE Process Promising for sub-50nm CMOSFETs," which
was published in October 2003;
3. That the information disclosed in the article was not known or
used by others in this country, or patented or described in a printed
publication in this or a foreign country, before the invention of the above
noted application, U.S. Serial No. 10/726,638;

Applicants: Ja-Hum KU et al.		Case No.: 2421-000030/US
App. No.: 10/726,638	Filing Date: December 4, 2003	
Title: NICKEL ALLOY SALICIDE TRANSISTOR STRUCTURE AND METHOD FOR MANUFACTURING THE SAME		
Please acknowledge receipt of:		
<ul style="list-style-type: none"> • Transmittal • Supplement to Amendment Filed October 31, 2007 (2 pp.) • Copy of Executed Declaration Under 37 C.F.R. §1.132 (3pp.) 		
By stamping and returning to Harness, Dickey & Pierce, P.L.C.		
Due: n/a	Attorney: JACEGH/cm	USPTO Date Stamp Filed: Nov. 14, 2007

